

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR



STATE CAPITOL
MONTGOMERY, ALABAMA 36130

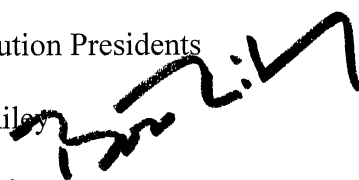
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STATE OF ALABAMA

October 26, 2009

MEMORANDUM

TO: Four-Year Institution Presidents

FROM: Governor Bob Riley 

RE: Pass-through Pork

It is critical that we promote practices that engender a more ethical, accountable, and transparent state government. Yet it has been reported that a member or members of the Alabama Legislature recently attempted to secretly redirect funds appropriated to a four-year institution for a purpose not specified in the 2010 Education Trust Fund budget – a practice commonly known as “pass-through pork.”

Over the last seven years, my administration has endeavored to operate the most open, transparent, and accountable government in our state’s history. As part of that effort, on February 7, 2003, I signed Executive Order No. 5, banning pass-through pork in all state agencies and authorities. Among other things, this order requires that money appropriated by legislators to fund special projects must be identified in the state budget as line items. This allows the people of Alabama to see where their tax dollars are being spent. On June 28, 2007, the State Board of Education followed suit, banning pass-through appropriations in the Department of Postsecondary Education and all Alabama Community College System institutions and requiring any employee who is directed by a member of the legislative, executive, or judicial branches to pass-through an appropriation to immediately report that directive to the chancellor.

“Pass-through pork” has been stopped in state agencies. “Pass-through pork” has been stopped in the two-year college system. Now those who want to continue this deceitful practice have turned their eyes to Alabama’s esteemed four-year institutions as a means of carrying out their schemes. Our four-year institutions need to stand against this unethical practice. Therefore, I am requiring each president of a state or state-related four-year college or university to disclose to this office any request by an elected official for the institution to grant, transfer, loan, contribute, donate, or otherwise expend any appropriated funds to, or on behalf of, any program, vendor/contractor, or other entity not specified by a

line item under the institution's appropriation in Act No. 2009-339 or 2009-404. This includes, but is not limited to, foundations, non-profit and civic organizations, local boards of education, and local government programs, agencies, and departments. I recognize that not all such requests are necessarily inappropriate, but full disclosure of such requests is always appropriate.

This new requirement comes pursuant to Article V, Section 121 of the Constitution of Alabama of 1901, which empowers the Governor to "require information in writing, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions."

The disclosures must include all such requests made directly or indirectly to any employee or administrator of the institution and requests communicated on behalf of an elected official by or through a third person. Therefore, I recommend that you implement and publish the appropriate policies and make the necessary inquiries to ensure that all requests are reported.

The first disclosure is due to this office no later than November 16, 2009 and will cover any prior requests relating to the expenditure of FY 2010 funds. Quarterly updates will be due on January 4, 2010; April 1, 2010; July 1, 2010; and October 1, 2010. The form attached to this memorandum should be used for each disclosure.

I appreciate your hard work, and I know you share our commitment to the most open, accountable, and transparent use of taxpayer dollars. I wish each of you all the best in the new academic year, and I thank you for your commitment to accountable government and educational excellence. Please do not hesitate to contact my office with any questions at (334) 242-7116.

**CERTIFICATION REGARDING
REQUESTS BY ELECTED OFFICIALS FOR
PASS-THROUGH APPROPRIATIONS**

I, _____, President of
_____, hereby certify the following:

1. I have conducted a thorough inquiry as to whether this institution (_____) or any of its personnel have received, either directly or indirectly, any request from any elected official to grant, transfer, loan, contribute, donate, or otherwise expend any appropriated funds to, or on behalf of, any program, vendor/contractor, or other entity not expressly specified by a line item under the institution's appropriation in Act No. 2009-339 or 2009-404.
2. The findings of my inquiry are attached hereto and incorporated herewith.
3. I am satisfied that my findings are accurate and complete to the best of my knowledge.

(Signature)

Subscribed and sworn to before me this the _____ day of _____, _____.
Witness my hand and seal.

Notary Public

My commission expires: _____